

Remarks

Claims 81-114 are pending in the application following entry of this Preliminary Amendment. Claims 1-80 have been canceled. Claims 81 and 112-114 are the only independent claims pending.

No new matter is added by the amendments made herein. The claims are supported by the claims originally present in the priority application and the specification as filed. The claims have been re-written to clarify their compliance with U.S. patent claim requirements. Certain claims have been canceled without prejudice solely for the purpose of reducing the filing fee.

The amendments made to the specification reflect correction of the name of an enacted law and a Federal regulatory program, each of which were referred to inaccurately in the specification as filed. The correct name of the law (the "Organic Foods Production Act of 1990") is indicated in the enclosed page taken from the USDA web site. A search (copy enclosed) of the Internet performed using the Google search engine revealed no hits for the term "Organic Foods Protection Act" (i.e., the name of the legislation inaccurately listed in the specification), but instead returned the correct name of the legislation. A skilled artisan in this field would immediately recognize this to be the correct name of the enacted legislation.

Similarly, the name of the standards for the program set up by the USDA to carry out the mandates of this legislation was inaccurately listed in the specification as the "National Organic Standards." However, the accurate name of this program is the "National Organic Program Standards." A search (copy enclosed) of the Internet performed using the Google search engine revealed no hits for the term "National Organic Standards" (i.e., the name inaccurately listed in the specification), but instead returned the correct name of the standards. A skilled artisan in this field would immediately recognize this to be the correct name of the standards.

Summary

The Applicants respectfully contends that each of claims 81-114 is in condition for allowance. The Examiner is requested to issue a Notice of Allowance at the earliest possible time.

Respectfully submitted,

David J. KYLE et al.

19 September 2025
(Date)

By: 

Gary D. Colby, Ph.D., J.D.

Registration No. 40,961

Customer No. 08933

DUANE MORRIS LLP

30 South 17th Street

Philadelphia, PA 19103-4196

Telephone: 215-979-1000

Direct Dial: 215-979-1849

Facsimile: 215-979-1020

E-Mail: GDColby@DuaneMorris.com

PH1\1489702.1



The National Organic Program

AMS USDA SEARCH

Organic Foods Production Act of 1990

6501 PURPOSES.

It is the purpose of this chapter

- (1) to establish national standards governing the marketing of certain agricultural products as organically produced products;
- (2) to assure consumers that organically produced products meet a consistent standard; and
- (3) to facilitate interstate commerce in fresh and processed food that is organically produced.

6502 DEFINITIONS.

As used in this chapter:

- (1) **Agricultural Product.** The term "agricultural product" means any agricultural commodity or product, whether raw or processed, including any commodity or product derived from livestock that is marketed in the United States for human or livestock consumption.
- (2) **Botanical Pesticides.** The term "botanical pesticides" means natural pesticides derived from plants.
- (3) **Certifying Agent.** The term "certifying agent" means the chief executive officer of a State or, in the case of a State that provides for the Statewide election of an official to be responsible solely for the administration of the agricultural operations of a State, such official, and any person (including private entities) who is accredited by the Secretary as a certifying agent for the purpose of certifying a farm or handling operation as a certified organic farm or handling operation in accordance with this chapter.
- (4) **Certified Organic Farm.** The term "certified organic farm" means a farm, or portion of a farm, or site where agricultural products or livestock are produced, that is certified by the certifying agent under this chapter as utilizing a system of organic farming as described by this chapter.
- (5) **Certified Organic Handling Operation.** The term "certified organic handling operation" means any operation, or portion of any handling operation, that is certified by the certifying agent under this chapter as utilizing a system of organic handling as described under this chapter.
- (6) **Crop Year.** The term "crop year" means the normal growing season for a crop as determined by the Secretary.
- (7) **Governing State Official.** The term "governing State official" means the chief executive official of a State or, in the case of a State that provides for the Statewide election of an official to be responsible solely for the administration of the agricultural operations of the State, such official, who administers an organic certification program under this chapter.
- (8) **Handle.** The term "handle" means to sell, process or package agricultural products.
- (9) **Handler.** The term "handler" means any person engaged in the business of handling


[Web](#) [Images](#) [Groups](#) [News](#) [Froogle](#) [Local](#) [more »](#)

Organic Foods Protection Act

Search

[Advanced Search](#)
[Preferences](#)

Web

Results 1 - 10 of about 24,400,000 for **Organic Foods Protection Act**. (0.30 seconds)

Organic Foods Production Act of 1990

organic foods production act of 1990. 6501 PURPOSES. ... nor the authority of the Administrator of the Environmental **Protection Agency** under the Federal ...
www.ams.usda.gov/nop/archive/OFPA.html - 73k - [Cached](#) - [Similar pages](#)

EPA - Agriculture Topics: Organic Farming

United States Environmental **Protection Agency** ... The **Organic Foods Production Act** and the NOP rule require that agricultural products labeled as **organic** ...
www.epa.gov/agriculture/torg.html - 37k - [Cached](#) - [Similar pages](#)

[PDF] Food Quality Protection Act Funds for Reduced-Risk Practices for ...

File Format: PDF/Adobe Acrobat - [View as HTML](#)
 for **Food Quality Protection Act** grants (CFDA 66.716) under the Federal ...
organizations and extensive grower participation as part of the project ...
www.epa.gov/pesticides/grants/foodqual05-sm.pdf - [Similar pages](#)
 [More results from www.epa.gov]

The World's Healthiest Foods: Feeling Great

Does the **Organic Foods Production Act** have provisions for enforcement and ...
 In 1996, Congress passed the **Food Quality Protection Act** requiring that all ...
www.whfoods.com/genpage.php?tname=faq&dbid=17 - 79k - [Cached](#) - [Similar pages](#)

The World's Healthiest Foods: Feeling Great

How can **organic foods** contribute to children's health? ... In 1996, Congress passed the **Food Quality Protection Act** requiring that all pesticides applied to ...
www.whfoods.com/genpage.php?tname=george&dbid=124 - 17k - [Cached](#) - [Similar pages](#)

Don't Panic Eat Organic

VERMONT PASSES FARMER **PROTECTION ACT** · THEMEATRIX · GM Watch ... **Organic Kingdom**, a premier **organic food** supplier offering bulk **foods** ...
www.rain.org/~sals/my.html - 56k - Sep 17, 2005 - [Cached](#) - [Similar pages](#)

CU Marks Second Anniversary of Food Quality Protection Act: Chides ...

At issue is a landmark **food safety** law, the **Food Quality Protection Act** (FQPA), ... Buy **organic foods** when they are available and affordable; ...
www.consumersunion.org/food/0803twaydc898.htm - 9k - [Cached](#) - [Similar pages](#)

Food Standards Agency - The Food And Environment Protection Act 1985

Part I of the **Food and Environment Protection Act** was amended by Section 51 of the **Food Safety Act** 1990. The **Act** also applies in Scotland and Northern ...
www.food.gov.uk/foodindustry/regulation/foodlawguidebranch/foodprotectioninemergency/foodenviroprotectact1985 - 33k - [Cached](#) - [Similar pages](#)

[PDF] Food Quality Protection Act Update the Year in Review

File Format: PDF/Adobe Acrobat - [View as HTML](#)
Food Quality Protection Act = all pesticides. Safe Drinking Water **Act**. = any substance ... "contains **organic food**. propaganda". "could cause another Alar" ...
www.pested.msu.edu/Resources/FQPA/FQPAUpdate1998.pdf - [Similar pages](#)

FQPA

Food Quality Protection Act of 1996 (FQPA) Return to FQPA Index ... links to various **organizations** and their thoughts on the **Food Quality Protection Act**. ...
entweb.clemson.edu/pesticid/Document/FQPA/FQPAinf2.htm - 28k - Cached - Similar pages

Goooooooooooooogle ►

Result Page: 1 2 3 4 5 6 7 8 9 10 **Next**Free! Get the Google Toolbar. [Download Now](#) - [About Toolbar](#)

Organic Foods Protection Act

Search[Search within results](#) | [Language Tools](#) | [Search Tips](#) | [Dissatisfied? Help us improve](#)[Google Home](#) - [Advertising Programs](#) - [Business Solutions](#) - [Hurricane Katrina Resources](#) - [About Google](#)

©2005 Google

[Web](#) [Images](#) [Groups](#) [News](#) [Froogle](#) [Local](#) [more »](#)

National Organic Program Standards

[Advanced Search](#)
[Preferences](#)**Web**Results 1 - 10 of about 151,000,000 for **National Organic Program Standards**. (0.31 seconds)

NOP Program Standards

the **national organic program** Menu Bar ... View **Standards** in Spanish (pdf) ·

English Translation Table · NOP Spanish Audit Checklist ...

www.ams.usda.gov/nop/NOP/standards.html - 16k - [Cached](#) - [Similar pages](#)

National Organic Program Home

The Rules include livestock welfare. The Final Rule (**National Standards on Organic Agricultural Production and Handling**), The **National List**, background and ...www.ams.usda.gov/nop/ - 10k - [Cached](#) - [Similar pages](#)[More results from www.ams.usda.gov]

Organic Farm Certification & the National Organic Program

These **standards** are now incorporated in the **National Organic Program** Regulations, which can be found on the NOP Website. Implementation of the Regulations ...attra.ncat.org/attra-pub/organcert.html - 49k - Sep 18, 2005 - [Cached](#) - [Similar pages](#)

www.eco-labels.org | Program Information

Changes made to the **National Organic Program** and its **standards** are made through the USDA. State Departments of Agriculture may apply for amended **standards** ...www.eco-labels.org/program.cfm?LabelID=75 - 31k - [Cached](#) - [Similar pages](#)

EPA - Agriculture Topics: Organic Farming

Background; **National Organic Program**; **National Standards on Organic** ...**Organic Production and Handling Standards** The **National Organic Program** (NOP) final ...www.epa.gov/agriculture/torg.html - 37k - [Cached](#) - [Similar pages](#)

ORGANIC FOOD FIGHT / Outcry over rule changes that allow more ...

The changes in the **National Organic Program standards**, made in April, expand the use of antibiotics and hormones in **organic dairy cows**, ...sfgate.com/cgi-bin/article.cgi?file=/c/a/2004/05/22/MNGMT6QD0H1.DTL - 31k - [Cached](#) - [Similar pages](#)

WSDA Organic Food - Washington State Dept. of Agriculture - WSDA

The **National Organic Program** (NOP) is a federal law that requires all **organic food**... In the US, **organic** certification to the **National Organic Standards** is ...agr.wa.gov/FoodAnimal/Organic/default.htm - 16k - Sep 17, 2005 - [Cached](#) - [Similar pages](#)

APSnet Feature: Organic Standards - Implications for Researchers

The NOP operates under the **National Organic Program Standards** (NOPS), which became effective April 21, 2001 and were fully implemented on October 21, 2002. ...www.apsnet.org/online/feature/organic/ - 40k - [Cached](#) - [Similar pages](#)

National Organic Program Revised Proposed Rule

The lack of a consistent **national organic program** has limited access to ...The **National Organic Standards Board** (NOSB) is a 15-member citizen board that ...leahy.senate.gov/press/200003/000307a.html - 25k - [Cached](#) - [Similar pages](#)

US National Organic Program

implementation of the USDA's **National Organic Program Standards** are expected to

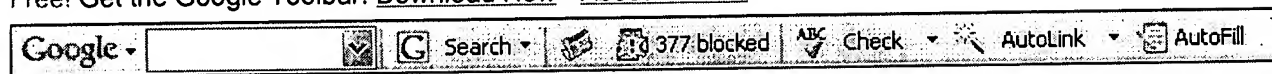
aid in the expansion of the **organic** industry and the ...

www.organicagcentre.ca/ResearchDatabase/res_other_USres.html - 10k - [Cached](#) - [Similar pages](#)

Goooooooooooooogle ►

Result Page: 1 2 3 4 5 6 7 8 9 10 **Next**

Free! Get the Google Toolbar. [Download Now](#) - [About Toolbar](#)



National Organic Program Standard:

[Search within results](#) | [Language Tools](#) | [Search Tips](#) | [Dissatisfied? Help us improve](#)

[Google Home](#) - [Advertising Programs](#) - [Business Solutions](#) - [Hurricane Katrina Resources](#) - [About Google](#)

©2005 Google